

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KRISTI GUDOSKI COOK, State Bar No. 185257  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 620-6343  
Facsimile: (213) 897-2804  
6

7 Attorneys for Complainant  
8

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-233

13 **ASUNCION BARRETT HALL, AKA**  
**ASUNCION GUINGAB HALL**  
14 260 North Oak Avenue, Apt. 4  
Pasadena, Ca 91107  
15

**A C C U S A T I O N**

16 Registered Nurse License No. 486537

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely  
22 in her official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
23 Department of Consumer Affairs.

24 2. On or about March 31, 1993, the Board issued Registered Nurse License  
25 Number 486537 to Asuncion Barrett Hall, also known as Asuncion Guingab Hall (Respondent).  
26 The Registered Nurse License expired on September 30, 2008, and has not been renewed.

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code unless  
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 provides, in pertinent part, that the Board may discipline any  
7 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
8 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 provides, in pertinent part, that the expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
11 licensee or to render a decision imposing discipline on the license. Under section 2811,  
12 subdivision (b), the Board may renew an expired license at any time within eight years after the  
13 expiration.

14 6. Section 2761 states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed nurse or  
16 deny an application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 . . . .

19 "(4) Denial of licensure, revocation, suspension, restriction, or any other  
20 disciplinary action against a health care professional license or certificate by another state or  
21 territory of the United States, by any other government agency, or by another California health  
22 care professional licensing board. A certified copy of the decision or judgment shall be  
23 conclusive evidence of that action."

24 **COST RECOVERY PROVISION**

25 7. Section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations  
27 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 (Disciplinary Action by Another State)

3 8. Respondent is subject to disciplinary action under section 2761,  
4 subdivision (a)(4), in that she was disciplined by the Arizona State Board of Nursing (Arizona  
5 Board), as follows:

6 a. On or about August 9, 2007, pursuant to Findings of Fact, Conclusions of  
7 Law and Order No. 0703012, in the disciplinary action entitled *In the Matter of Professional*  
8 *Nurse License No. RN073406 Issued to: Asuncion Guingab Hall*, etc., the Arizona Board placed  
9 Respondent's license on probation for 24 months. The Arizona Board ordered Respondent to  
10 work as a professional nurse for a minimum of 24 months (not less than 16 hours a week), with  
11 notice, reporting and direct supervision requirements, prior to the termination of her probation.

12 b. Pursuant to the Findings of Fact, which Respondent admitted, on or about  
13 February 14, 2007, Respondent was assigned to a patient in a hospital intensive care unit who  
14 was found unresponsive and later expired after a code was called. A root cause analysis  
15 performed by the hospital determined that "the patient had probably removed her monitor wires  
16 and the alarm went off but nobody responded to the alarm which had been off for at least one  
17 hour and fifteen minutes." Respondent made a narrative nursing entry in the patient's medical  
18 record about one hour and five minutes before the code was called. The hospital terminated  
19 Respondent's employment.

20 c. Pursuant to the Conclusions of Law, which Respondent admitted, the  
21 conduct and circumstances described in the Findings of Fact constituted violations of, including,  
22 but not limited to, Arizona Revised Statutes section 32-1601, subdivision (16)(d) [unprofessional  
23 conduct/conduct or practice that is or might be harmful or dangerous to the health of a patient or  
24 the public], and Arizona Administrative Code section R4-19-403, subdivisions (7) [failing to  
25 maintain a patient record that accurately reflects the nursing assessment, care, treatment, and  
26 other nursing services provided to the patient], (9) [failing to take appropriate action to safeguard  
27 a patient's welfare or follow policies and procedures of the nurse's employer designed to  
28 safeguard the patient], and (31) [practicing in any other manner that gives the Board reasonable

1 cause to believe the health of a patient or the public may be harmed].

2 **PRAYER**


3 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
4 alleged, and that following the hearing, the Board issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 486537,  
6 issued to Asuncion Barrett Hall, also known as Asuncion Guingab Hall;

7 2. Ordering Asuncion Barrett Hall, also known as Asuncion Guingab Hall, to  
8 pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to  
9 Business and Professions Code section 125.3; and

10 3. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 4/7/09

13  
14   
15 RUTH ANN TERRY, M.P.H., R.N.  
16 Executive Officer  
17 Board of Registered Nursing  
18 State of California  
19 Complainant

20 LA2008600426  
21 60397227.wpd  
22  
23  
24  
25  
26  
27  
28